

7-43. Noncompliance Penalty: Granting of Exemptions (1200 TN 350 7-43)

1. **AUTHORITY.** Pursuant to section 120(a)(2)(B) of the Clean Air Act (CAA), to grant any exemptions from noncompliance penalties mandated by Section 120 of the CAA.
2. **TO WHOM DELEGATED.** Director, Enforcement and Compliance Assurance Division (ECAD).
3. **LIMITATIONS.**
 - a. Prior to granting an exemption for inability to comply for reasons entirely beyond the owner's control, the delegatee must consult with the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA).
 - b. The AA/OECA may grant an exemption in cases that the AA initiated and must notify any affected Regional Administrator prior to exercising this authority.
 - c. The AA/OECA may waive, in writing, the consultation requirement.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, and no further. The authority may not be redelegated without formal amendment.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** Section 120(a)(2)(B) of CAA.
6. **SUPERSESSION.** Delegations Manual, CAA, Regional Delegation 7-43.
Noncompliance Penalty: Granting of Exemptions, 1200 TN RIII 194 (February 21, 2017).

Date: APR 15 2019
Cosmo Servidio
Regional Administrator